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KENNETH J. MURPHY
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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DAVID FERGUSON, ET AL.

Plaintiffs

v.

**RYDER AUTOMOTIVE CARRIER
SERVICES, INC., ET AL.**

Defendants

Case No. C-1-02-039

Judge Herman J. Weber

**DEFENDANTS ALLIED SYSTEMS, LTD.
AND ALLIED AUTOMOTIVE GROUP, INC.'S
MOTION FOR EXTENSION OF TIME TO
FILE THEIR REPLY TO PLAINTIFF'S
MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTION TO EXCLUDE
TESTIMONY OF PLAINTIFF'S EXPERT
WITNESS, GABRIEL ALEXANDER**

Defendants Allied Systems, Ltd. and Allied Automotive Group, Inc. (together the "Allied Defendants") move for an extension of time to file their *Reply to Plaintiff's Memorandum in Opposition*. This motion is premised upon Rule 6.1 of the Local Rules of the United States District Court for the Southern District of Ohio and other applicable law.

This is the Allied Defendants' first request for an extension of time to file their reply or other pleading in the above-captioned matter. The *Reply to Plaintiff's Memorandum in Opposition* is presently due on Thursday, October 30, 2003. The Allied Defendants request that a twenty (20) day extension be granted to file said reply and that their new filing date be extended to Wednesday, November 19, 2003. As grounds for this motion, the Allied Defendants state that good cause exists for the requested extension and rely upon the authorities and citations set forth within their *Memorandum in Support* set forth below.

**MEMORANDUM IN SUPPORT OF DEFENDANTS ALLIED SYSTEMS LTD.
AND ALLIED AUTOMOTIVE GROUP, INC.'S MOTION FOR EXTENSION
OF TIME TO FILE THEIR REPLY TO PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANTS' MOTION TO EXCLUDE TESTIMONY
OF PLAINTIFF'S EXPERT WITNESS, GABRIEL ALEXANDER**

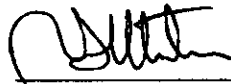
The Allied Defendants filed their *Motion to Exclude the Testimony of Plaintiff's Expert Witness, Gabriel Alexander* (the "motion"), on October 3, 2003. Plaintiff filed his *Memorandum In Opposition* (the "memo contra") on October 16, 2003. Unfortunately, due to an unexplained and apparent problem with the electronic filing system which maintains the respective pleadings in this matter, and the PACER system used in conjunction therewith, the Allied Defendants were forwarded an electronic notification of plaintiff's filing with a blank attachment that is believed to represent the memo contra and attachment. This issue was immediately addressed with the Clerk of Courts in an attempt to provide the Allied Defendants with plaintiff's memo contra, however, all attempts to gain access to the documents via the suggested electronic format were without success. As a result of the electronic filing system malfunction, the Allied Defendants were unable to obtain a copy of the memo contra until October 24, 2003, and have had insufficient time to review and respond to plaintiff's memo contra.

These facts and circumstances constitute good cause for granting the requested extension. Furthermore, the Allied Defendants assert that they have attempted to resolve this matter by contacting counsel of record, but due to the conflicting schedules of all involved, have been unable to reach agreement on the Allied Defendants' request for an extension of time. The Allied Defendants assert that this motion is not being interposed for delay or any other improper

purpose. The Allied Defendants are unaware of any prejudice flowing to plaintiff as a result of the grant of the requested relief.

WHEREFORE, defendants Allied Systems, Ltd. and Allied Automotive Group, Inc. request that this Court: (i) grant their motion for a twenty-day enlargement of time to file their *Reply to Plaintiff's Memorandum in Opposition*, and (ii) order that the date for the filing of the *Reply to Plaintiff's Memorandum in Opposition* be enlarged to Wednesday, November 19, 2003. A proposed Order granting the requested relief is attached hereto.

Respectfully submitted,



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Allied Automotive Group, Inc.

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing was served by depositing the same into the United States Mails, first class postage prepaid, on this 28 day of October, 2003, to:

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